

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Megan Ault	Team: Team # 8	CCRB Case #: 200812748	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/21/2008 4:00 PM	Location of Incident: 35th Street and Broadway	Precinct: 114	18 Mo. SOL 2/21/2010	EO SOL 2/21/2010	
Date/Time CV Reported Wed, 09/03/2008 11:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/03/2008 11:33 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Edward Spagnuolo	07191	905553	NARCBQN
2. DT3 Bryan Zuccaro	02449	931484	NARCBQN
3. An officer			NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Terence Curran	02389	902731	NARCBQN
2. DT2 Michael Cervini	02426	913928	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Edward Spagnuolo	Abuse: Det. Edward Spagnuolo searched § 87(2)(b)	
B.DT2 Edward Spagnuolo	Force: Det. Edward Spagnuolo used physical force against § 87(2)(b)	
C.DT3 Bryan Zuccaro	Discourtesy: Det. Bryan Zuccaro spoke obscenely to § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b)	

Synopsis

§ 87(2)(b) phoned the CCRB to file this complaint on behalf of her son, § 87(2)(b) on September 3, 2008. § 87(2)(b) did not witness the incident.

Around 4:00 PM on August 21, 2008, § 87(2)(b) was seated in a double-parked vehicle with his friends § 87(2)(b) and § 87(2)(b) in front of 32-30 35th Street in Queens. Sgt. Curran and Det. Spagnuolo of Narcotics Borough Queens North approached the car and requested that the young men exit the vehicle. § 87(2)(b) alleged that Det. Spagnuolo removed a bag of marijuana from § 87(2)(b) pocket (**Allegation A**) but claimed to have found it on the floor of the car. § 87(2)(b) also alleged that Det. Spagnuolo pushed him (**Allegation B**), and that Det. Brian Zuccaro of Narcotics Borough Queens North and an unidentified officer spoke obscenely to him (**Allegations C and D**).

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) is a § 87(2)(b)-old white male with brown hair and green eyes. He is 5'10" tall and weighs 140 pounds, and works as § 87(2)(b). He appeared at the CCRB on October 1, 2008 (encl. 3A).

Around 4:00 PM on August 21, 2008, § 87(2)(b) was with his friends § 87(2)(b) and § 87(2)(b). The three had just dropped off another friend, § 87(2)(b) at his home on 35th Street and Broadway in Queens. § 87(2)(b) had gone to get something from his apartment, and they were double parked outside his building waiting for him to return. § 87(2)(b) was sitting in the rear driver's side seat, § 87(2)(b) was driving the car, and § 87(2)(b) was sitting in the rear passenger's side seat.

They had been double parked for 1-2 minutes when a vehicle pulled in front of their car, and two plain clothed police officers exited the vehicle and approached their car. PO1, whom § 87(2)(b) identified as Det. Spagnuolo from his arrest paperwork, was a white male in his 40's with short blonde hair, blue eyes, a blonde mustache, was about 5'10" tall and had an average build. PO2, identified through the investigation as Sgt. Curran, was a white male in his 40's with black curly hair, a husky build, around 5'10"-6'2" tall, no facial hair or glasses.

Det. Spagnuolo approached the passenger's side of the vehicle, and asked the three young men what they were doing there. They asked why he had approached the car, and he said, "You're double parked, any other questions?" Det. Spagnuolo walked around the car to speak with § 87(2)(b) and ordered him to exit the car. Once § 87(2)(b) had exited the vehicle, Det. Spagnuolo reached his hand inside the pocket of his sweatpants (**Allegation A**), and then immediately handcuffed him. Det. Spagnuolo ordered § 87(2)(b) and § 87(2)(b) to exit the car because they were under arrest. § 87(2)(b) § 87(2)(b) protested that he did not have marijuana and should not be arrested. Det. Spagnuolo took a bag of marijuana from § 87(2)(b) pocket and tossed it into the car. PO1 said, "It's in the car." Initially § 87(2)(b) stated that he did not see Det. Spagnuolo throw the marijuana into the car, but later he asserted that he did.

Det. Spagnuolo ordered § 87(2)(b) to put his hands against the car and spread his legs. § 87(2)(b) § 87(2)(b) approached the car and Det. Spagnuolo pushed him in the back so that his body hit the car (**Allegation B**). Det. Spagnuolo handcuffed § 87(2)(b). Fifteen officers in both uniforms and

plainclothes arrived at the location. § 87(2)(b) stated that he was § 87(2)(b) and asked that the officers not to arrest him. PO3, identified through the investigation at Det. Zuccaro, said, "Fuck you, I don't give a shit. I'm calling § 87(2)(b)," (**Allegation C**). Det. Zuccaro was a white male with a bald head, a muscular build, and wore a gray t-shirt. He had no facial hair, and was approximately 5'7" tall. § 87(2)(b) heard PO4, unidentified by the investigation, to § 87(2)(b) "Shut the fuck up" (**Allegation D**). PO4 was a white male in his early 20's with brown hair, no facial hair, and no glasses. He was dressed in plain clothes.

PO5 wrote § 87(2)(b) information down on a piece of paper and put that, along with his license, inside an envelope. § 87(2)(b) asked that the rest of his belongings be placed in that envelope, but PO5 told him to leave his things in the car and they would be there when he was released from jail. PO5 was a 25-35-year-old white male with blonde hair, blue eyes, was 6'3" tall, and had a slim build. The investigation has identified PO5 as Det. Cervini. § 87(2)(b) protested and PO4 said, "Shut the fuck up," (**Allegation D**). § 87(2)(b) left his cell phone, a debit card, a ten-dollar bill, his car keys and his house keys in § 87(2)(b) car.

§ 87(2)(b) and his friends were placed in a van and PO4 and Det. Cervini transported them to the stationhouse. Once there, § 87(2)(b) called his brother to complain about the incident. After he had been talking for some time, PO4 hung up the phone and said, "I've had enough of your bitch fest. Shut the fuck up," (**Allegation C**).

As soon as § 87(2)(b) was released, he contacted § 87(2)(b) so that he could retrieve his belongings from his car. However, when he went to § 87(2)(b) car, his possessions were not there. The following day he spoke with one of his friends who stated that he had tried to call § 87(2)(b) cell phone on the afternoon that he was arrested. Immediately afterward, he received a phone call from a number he did not recognize, and a man on the line said, "Are you looking for § 87(2)(b)

§ 87(2)(b) suffered no injuries as a result of this incident. He stated that neither he nor any of his friends had taken part in any drug transactions on that day, and that they had done nothing to give the officers the impression that something along those lines had taken place.

Results of Investigation

Witness Phone Statement: § 87(2)(b) (encl. 4A)

On November 21, 2008, § 87(2)(b) provided the following phone statement regarding the incident.

§ 87(2)(b) and § 87(2)(b) were double-parked in § 87(2)(b) car on 35th Street in Queens, waiting for a friend. § 87(2)(b) was seated in the rear passenger side seat and § 87(2)(b) was seated in the rear driver's side seat.

Two officers, identified as Det. Spagnuolo and Sgt. Curran, approached their vehicle. Det. Spagnuolo approached the driver's side and asked what they were doing. The young men responded that they were waiting for a friend. § 87(2)(b) started acting like a "smart ass" and said loudly, "I get harassed by you guys all the time." Det. Spagnuolo asked the driver to step out of the car and asked if he had "anything on him." § 87(2)(b) and § 87(2)(b) stepped out of the car as well, on opposite sides. § 87(2)(b) knew that Det. Spagnuolo found marijuana somewhere, but was not certain from where. He thought that Det. Spagnuolo found it in the front of the car on the floor. He was not aware of Det. Spagnuolo finding it inside § 87(2)(b) pocket and then tossing it inside the vehicle.

The officers brought § 87(2)(b) and his friends to the back of the car where they handcuffed them. § 87(2)(b) was standing next to § 87(2)(b) at this time. § 87(2)(b) did not remember any officer cursing during the incident, and did not remember any officers pushing or shoving § 87(2)(b)

Other officers transported § 87(2)(b) and his friends to a stationhouse. § 87(2)(b) did not hear any officer use profanity toward § 87(2)(b) inside the stationhouse.

§ 87(2)(b) stated that the officers were supposed to have left their cell phones in § 87(2)(b) car. However, when § 87(2)(b) returned to his car, he told § 87(2)(b) that they were not there. § 87(2)(b) did not wish to be involved further in § 87(2)(b) CCRB complaint, and did not want to give an in-person statement regarding what took place.

Attempts to Contact Additional Victims

The investigation called § 87(2)(b) five times and mailed him two letters. § 87(2)(b) never responded to any of the messages left for him, however. The investigation was, as a result, unable to obtain a statement from him.

Officer Statement: Det. Spagnuolo

Det. Edward Spagnuolo appeared at the CCRB on April 17, 2009. He is a § 87(2)(b)-old white male with hazel eyes, brown hair, and a receding hairline. He is 5'11" tall and weighs 190 pounds. On August 21, 2008, Det. Spagnuolo worked from 12:27 PM until 9:00 PM conducting narcotics enforcement in the confines of the 108th and 114th Precinct. He was working with his immediate supervisor, Sgt. Curran. He was wearing jeans, a t-shirt, and his shield around his neck. They were driving a dark, unmarked mini van.

Memo Book (encl. 5A)

1605: p-u 3 under f/o 32-30 35.

1610: 98 I/R/T W/S/H

CCRB Statement (encl. 5D)

On August 21, 2008, Det. Spagnuolo and Sgt. Curran were traveling in an unmarked minivan down 35th Street in Queens. Det. Spagnuolo was driving. Their command had previously received complaints from people living around 32-30 35th Street in Queens that someone was selling marijuana at that location. Cars would customarily double park in front of the address, and a man would deliver drugs to them. Det. Spagnuolo and Sgt. Curran had made drug arrests at the location prior to this incident, and continue to do so.

As their car approached the location, Det. Spagnuolo saw that a gray Porsche sport utility vehicle was double parked in front of the location. Det. Spagnuolo stopped the minivan behind the Porsche and he and Sgt. Curran approached. Det. Spagnuolo approached the car's driver's side, while Sgt. Curran approached the passenger's side. The car's windows were not tinted. The front driver's side window was down when he reached the car.

Det. Spagnuolo identified himself as a police officer and then looked inside the car. He did not lean into the car to do so. He then observed a sandwich bag containing about an ounce of loose marijuana on the floor in the front compartment of the car. He did not remember which side of the car the bag was on, and could not describe further where exactly it was lying.

The car contained three occupants: § 87(2)(b) who was the driver, § 87(2)(b) who was in the rear passenger-side seat, and § 87(2)(b) who was in the rear driver-side seat. The front passenger seat was unoccupied. Det. Spagnuolo instructed all three occupants to exit the vehicle. They complied without incident. Det. Spagnuolo escorted the individuals seated on the driver's side of the vehicle to the car's trunk. The officers told the men that they were under arrest, and instructed them to place their hands behind their backs. He did not remember any of the men talking back or giving him a hard time and described the incident as "uneventful." No additional units were present when they were placed in handcuffs. Det. Spagnuolo did not remember who in particular he handcuffed, but knows that he and Sgt. Curran were the only officers involved in handcuffing the three men. Neither he nor Sgt. Curran pushed any of the prisoners against a car while handcuffing them. None of the men were physically non-compliant, so there was no reason to do so. A prisoner van arrived to transport the arrested individuals. Det. Spagnuolo did not believe that any other units responded besides the prisoner van.

Det. Spagnuolo explained to the arrestees that they could either take their property with them, in which case it would be given to the property clerk at the precinct and vouchered, or leave their belongings in § 87(2)(b)

§ 87(2)(b) car at the location. They chose to leave their belongings in the vehicle. Det. Spagnuolo moved the car to a legal parking space, locked their belongings inside the vehicle, and returned the keys to § 87(2)(b). Det. Spagnuolo left the location. He stated that he did not remove any of the civilians' property from the car or take any of the belongings with him when he left. He did not make any phone calls using any of the civilians' cell phones. Det. Spagnuolo did remember one of the civilians mentioning he was § 87(2)(b). He denied threatening that this individual would lose his job or that he would call § 87(2)(b). Det. Spagnuolo did not witness any of the civilians speaking on a phone in the 114th Precinct stationhouse. He did not refer to any conversation they had as a "bitch-fest" nor did he hear any other officer do so. He did not know which officers would have been interacting with the civilians inside the stationhouse.

Officer Statement: Sgt. Curran

Sgt. Terence Curran appeared at the CCRB on May 22, 2009. He is a § 87(2)(b)-old white male with brown hair and brown eyes. He is 5'10" tall and weighs 235 pounds. On August 21, 2008, He worked from 12:25 PM until 9:00 PM as the narcotics supervisor for the 114th Precinct module. He was wearing plain clothes; he could not describe his attire further. He and his partner, Det. Spagnuolo, were driving rental auto #§ 87(2)(b) which is a gray Toyota minivan.

Memo Book (encl. 6A)

Sgt. Curran had the following entries in his memo book regarding this incident:

1605: p/u 3 under f/o 32-30 35 St.

1610: 98 v/o woodside houses

CCRB Statement (encl. 6D)

The 114th Precinct Module of Queens Narcotics had received complaints from residents living near 32-30 35th Street about marijuana sales taking place on the block. Sgt. Curran could not remember if there was a specific address to which these complaints pertained. Sgt. Curran and Det. Spagnuolo were driving along 35th Street in Queens around 4:00 PM on August 21, 2008. They observed a gray SUV double parked at the location and observed it for about a minute before they stopped their car and approached. Det. Spagnuolo approached the driver's side of the vehicle, and Sgt. Curran approached the passenger's side.

Three individuals were seated in the car. Det. Spagnuolo spoke with the driver for less than one minute, and then asked the driver to step out of the vehicle. Sgt. Curran ordered the car's two other occupants to exit as well. After the driver exited the vehicle Det. Spagnuolo retrieved a clear plastic sandwich bag containing about 1 ounce of loose marijuana from inside the car. Det. Spagnuolo did not see where exactly he retrieved it from. Det. Spagnuolo told him later that it was on the car's floor in the front.

The officers escorted all three of the civilians to the rear of the car. Det. Spagnuolo handcuffed one of them, and Sgt. Curran handcuffed the two other individuals. The civilians did not physically resist arrest and were compliant with commands. He did remember one of them saying something to the effect of "Why don't you go after the real criminals." Besides placing them in handcuffs, no physical force was used during the course of these arrests. Neither he nor his partner pushed or shoved any of the civilians. Sgt. Curran called for the prisoner van at the location, which arrived shortly after. Two officers were with the van, one of whom was most likely Det. Cervini. No other units arrived at the location. The civilians were placed inside the van and transported to the 114th Precinct stationhouse.

Sgt. Curran stated that no profanity was used by any officer, including himself, at the location. More specifically, no officer said anything along the lines of "shut the fuck up" or "I don't give a shit." None of the civilians were searched prior to them being placed in handcuffs, and the marijuana was not recovered as a result of the search of anyone's person. Sgt. Curran did not remember what happened with the civilians' belongings. He did remember Sgt. Curran moving the civilians' vehicle into a legal parking space. Sgt. Curran did not interact with any of the civilians inside the stationhouse. He did not hear any officers speak rudely or use profanity in reference to them in the stationhouse. He did not threaten to call § 87(2)(b), and had no knowledge that one of the arrested individuals was § 87(2)(b). Sgt. Curran did not make any phone calls using any of the civilians' phones, and to his knowledge, no other officer did so.

Officer Statement: Det. Michael Cervini

Det. Michael Cervini appeared at the CCRB on June 3, 2009. Det. Cervini is a § 87(2)(b)-old white male with blonde hair and blue eyes. He is 6'2" tall and weighs 190 pounds. On August 21, 2008, Det. Cervini worked from 12:27 PM until 9:00 PM and wore plainclothes. He and his partner, Det. Zuccaro were assigned to the narcotics team's prisoner van, which is an unmarked Ford.

Memo Book (encl. 8A)

Det. Cervini had the following entries in his memo book regarding this incident:

1605: P/u (3) under f/o 32-30

CCRB Statement (encl. 8E)

Around 4:00 PM on August 21, 2008, Det. Cervini and Det. Zuccaro responded to 35th Street and Broadway in Queens where Det. Spagnuolo and Sgt. Curran had 3 males under arrest for § 87(2)(b) near a double parked car. The three individuals were already in handcuffs by the time they arrived, and there were not other officers at the location. One of the arrested individuals, whom Det. Cervini identified from his arrest photo as § 87(2)(b) was agitated. He stated that he was a § 87(2)(b) that he should not be treated in that manner, and that the officers should let him go. Det. Cervini did not remember additional units responding to the location. He did a basic search of the arrested individuals prior to placing them in the prisoner van. § 87(2)(b) was not physically resistant, and no officer at the location used physical force against him that Det. Cervini saw. Det. Cervini did not know what was done with their property; it usually goes into an envelope, but since he was not the arresting officer he could not comment as to what procedure was followed in this instance.

Det. Cervini and Det. Zuccaro continued collecting prisoners in their van until 6:30 PM, when they took them to the 114th Precinct for processing. Det. Cervini was in charge of the prisoners while they were in the precinct's holding cells. He did not have much interaction with § 87(2)(b) he could not remember specifically if § 87(2)(b) made any phone calls while at the stationhouse, but stated that they typically do let prisoners make a phone call. Det. Cervini denied using any profanity while speaking with § 87(2)(b) at the stationhouse or at the location. Specifically, he denied saying anything along the lines of "I've had enough of your bitch fest," "fuck you I don't give a shit," or "Shut the fuck up." He did not hear any other officer use profanity or make these remarks.

Det. Cervini noted that he transported several prisoners to central booking at 8:00 PM that evening. He assumed § 87(2)(b) was among those transported because he did not believe he received a desk appearance ticket, though he could not be sure. Det. Cervini never had possession of § 87(2)(b) cell phone, did not make any calls on any of the civilians' cell phones, and was not aware of any officer doing so.

Officer Statement: Det. Zuccaro

Det. Zuccaro appeared at the CCRB on June 24, 2009. Det. Zuccaro is a § 87(2)(b)-old white male with a shaved head and hazel eyes. He is 5'7" tall and weighs 185 pounds. On August 21, 2008, Det. Zuccaro worked from 12:27 PM until 9:00 PM. He and his partner, Det. Cervini, were assigned to the prisoner van, an unmarked ford. Det. Zuccaro was dressed in plainclothes.

Memo Book (encl. 7A)

Det. Zuccaro had the following entries in his memo book regarding this incident:

1605: 3 under f/o 32-30 35.

CCRB Statement (encl. 7D)

Around 4:00 PM on August 21, 2008, Det. Zuccaro and Det. Cervini were called to 32-30 35th Street in Queens to pick up three individuals who Det. Spagnuolo and Sgt. Curran had arrested. No other officers were present at the location. The three men were already in handcuffs; Det. Zuccaro did not witness the incident leading up to their arrest. One of the individuals identified himself as § 87(2)(b) and complained that they could not do this to him. Det. Zuccaro did not respond to these comments. Det. Zuccaro denied that he or any other officer pushed or used profanity while speaking with the arrested individuals. Any property removed from the individuals would have been placed in an envelope and secured in either the

prisoner van or the supervisor's vehicle. Det. Zuccaro could not speak to what happened with this property, as he did not make the arrests. He and Det. Cervini placed the individuals into the prisoner van and after the team made several other arrests, transported them to the 114th Precinct stationhouse. Det. Cervini and Det. Zuccaro lodged the prisoners in the stationhouse's cells. He did not remember the civilians making any phone calls in particular; it is possible they did, as he typically allows them to do so. They later transported the prisoners to central booking.

Det. Zuccaro stated that no officer at the location used profanity that he remembered. He denied saying "Shut the fuck up" or "Fuck you," to any of the civilians, and denied hearing any officer say this. He did not push any of the arrestees, nor did he ever have possession of their cell phones. He did not make any calls using a civilian's cell phone, nor did he know of any officer doing so. Det. Zuccaro denied saying, "I've had enough of your bitch fest" to any of the individuals. He never threatened to notify § 87(2)(b) had been arrested, but noted that the arresting officer would be required to do so.

NYPD Records

Roll Call: Narcotics Borough Queens, Group 3 (encl. 9A)

Queens Narcotics roll call for August 21, 2008, indicates that Det. Cervini, Det. Zuccaro, Det. Spagnuolo, and Sgt. Curran were on duty at the time of the incident.

Tactical Plan (encl. 11A)

Queens Narcotics tactical plan for August 21, 2008 indicates that Sgt. Curran was the team leader, and was working with Det. Spagnuolo, who was assigned to be the arresting officer on that day. Det. Cervini and Det. Zuccaro were assigned to work in the prisoner van.

Criminal Court Complaints (encl. 12A)

§ 87(2)(a) 160.50

Prisoner Property Receipts (encl. 13A)

The prisoner property receipts for § 87(2)(b) and § 87(2)(b) indicate that keys were returned to § 87(2)(b) and no property was removed or returned to § 87(2)(b) or § 87(2)(b).

Arrest Reports (encl. 14A)

The arrest reports for § 87(2)(b) and § 87(2)(b) all indicated that at 4:05 PM on August 21, 2008, § 87(2)(a) 160.50. Det. Spagnuolo was their arresting officer.

Command Log (encl. 15A)

The command log indicates that § 87(2)(b) and § 87(2)(b) arrived at the 114th Precinct stationhouse at 6:30 PM, and were transported to Central Booking at 7:25 PM.

Other Records

Status of Court Case

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officer Histories (encls. 1A-F)

§ 87(4-b) § 87(2)(g)

The CCRB substantiated a complaint that Det. Zuccaro unlawfully searched a vehicle, frisked, and an individual in case #200709264.

Civilian Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Notice of Claim (encl. 21G)

As of July 20, 2009, the comptroller's office had received no notice of claim regarding this complaint.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) alleged that an officer searched § 87(2)(b) § 87(2)(b) identified this officer by name from his arrest paperwork, and provided a description of him consistent with his actual pedigree. Det. Spagnuolo acknowledged interacting with the car's driver, § 87(2)(g)

§ 87(2)(b) alleged that Det. Spagnuolo, whom he identified from his arrest paperwork, pushed him. The investigation determined that at the time this allegedly took place, Det. Spagnuolo and Sgt. Curran were the only officers at the location. § 87(2)(b) provided a description of Det. Spagnuolo consistent with his actual pedigree information. § 87(2)(g)

§ 87(2)(b) alleged that an officer who arrived after his initial stop said, "Fuck you, I don't give a shit," and threatened to call § 87(2)(b). He provided a detailed description of this officer which very closely matched PO Zuccaro's pedigree information. PO Zuccaro acknowledged interacting with § 87(2)(b). In addition, § 87(2)(b) alleged that in the stationhouse, one of the officers who transported him there said, "I've had enough of your bitch-fest." PO Zuccaro acknowledged transporting § 87(2)(b) to the stationhouse, and he and Det. Cervini were responsible for him while he was in the holding cell. § 87(2)(b) provided an accurate description of Det. Cervini, and indicated that it was the other officer who made this comment. § 87(2)(g)

§ 87(2)(b) alleged that a fifth officer was present at the location and said, "Shut the fuck up" to him. All other evidence gathered by the investigation indicates that there were only four officers present at the location. § 87(2)(g)

Undisputed Facts

It is undisputed that § 87(2)(b) and his friends were double-parked at the time Sgt. Curran and Det. Spagnuolo stopped them. It is undisputed that § 87(2)(b) and § 87(2)(b) were subsequently arrested for § 87(2)(a) 160.50. It is undisputed that Det. Zuccaro and Det. Cervini transported them to the 114th Precinct stationhouse.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(b) alleged that Det. Spagnuolo pushed him against a car. He did not sustain any injuries as a result. All of the officers denied that physical force was used against the arrested individuals. In addition, § 87(2)(b) who was standing next to § 87(2)(b) at the time the alleged force occurred, did not remember any officers pushing him. § 87(2)(g)

§ 87(2)(b) alleged that an officer identified as PO Zuccaro and an unidentified officer spoke to him discourteously. All of the officers denied that this took place. § 87(2)(b) did not remember any of the officers using profanity while speaking with § 87(2)(b) either at the location or in the station house. § 87(2)(g)

Allegations not Pleaded

§ 87(2)(g)

Allegation A: Det. Spagnuolo searched § 87(2)(b)

§ 87(2)(g)

Allegation B: Det. Spagnuolo used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation C: Det. Zuccaro spoke obscenely to § 87(2)(b)

§ 87(2)(g)

Allegation D: An officer spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that an unidentified officer spoke obscenely to him. § 87(2)(b) friend, § 87(2)(b) had no recollection of this taking place. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: